

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 148

Introduced by Landis, 46

Read first time January 10, 2003

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Uniform Interstate Family Support Act;
2 to amend sections 42-701, 42-702, 42-704 to 42-706,
3 42-709 to 42-714, 42-716 to 42-721, 42-723 to 42-727,
4 42-729, 42-730, 42-732 to 42-734.02, 42-734.05, 42-735,
5 42-737 to 42-740, 42-742, 42-745 to 42-747.01, and 42-748
6 to 42-751, Reissue Revised Statutes of Nebraska; to adopt
7 uniform changes to the act; to provide a duty for the
8 Revisor of Statutes; to provide an operative date; to
9 provide severability; and to repeal the original
10 sections.
11 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 42-701, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 42-701. Sections 42-701 to 42-751 and sections 11, 12,
4 and 43 of this act shall be known and may be cited as the Uniform
5 Interstate Family Support Act.

6 Sec. 2. Section 42-702, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 42-702. In the Uniform Interstate Family Support Act:

9 (1) Child means an individual, whether over or under the
10 age of majority, who is or is alleged to be owed a duty of support
11 by the individual's parent or who is or is alleged to be the
12 beneficiary of a support order directed to the parent.

13 (2) Child support order means a support order for a
14 child, including a child who has attained the age of majority under
15 the law of the issuing state.

16 (3) Duty of support means an obligation imposed or
17 imposable by law to provide support for a child, spouse, or former
18 spouse, including an unsatisfied obligation to provide support.

19 (4) Home state means the state in which a child lived
20 with a parent or a person acting as parent for at least six
21 consecutive months immediately preceding the time of filing of a
22 petition or comparable pleading for support and, if a child is less
23 than six months old, the state in which the child lived from birth
24 with any of them. A period of temporary absence of any of them is
25 counted as part of the six-month or other period.

26 (5) Income includes earnings or other periodic
27 entitlements to money from any source and any other property
28 subject to withholding for support under the law of this state.

1 (6) Income withholding order means an order or other
2 legal process directed to an obligor's employer or other payor, as
3 defined by the Income Withholding for Child Support Act or sections
4 42-347 to ~~42-380~~ 42-381, to withhold support from the income of the
5 obligor.

6 (7) Initiating state means a state from which a
7 proceeding is forwarded or in which a proceeding is filed for
8 forwarding to a responding state under the Uniform Interstate
9 Family Support Act or a law or procedure substantially similar to
10 the act. ~~or under a law or procedure substantially similar to the~~
11 ~~Uniform Reciprocal Enforcement of Support Act or the Revised~~
12 ~~Uniform Reciprocal Enforcement of Support Act.~~

13 (8) Initiating tribunal means the authorized tribunal in
14 an initiating state.

15 (9) Issuing state means the state in which a tribunal
16 issues a support order or renders a judgment determining parentage.

17 (10) Issuing tribunal means the tribunal that issues a
18 support order or renders a judgment determining parentage.

19 (11) Law includes decisional and statutory law and rules
20 and regulations having the force of law.

21 (12) Obligee means:

22 (i) An individual to whom a duty of support is or is
23 alleged to be owed or in whose favor a support order has been
24 issued or a judgment determining parentage has been rendered;

25 (ii) A state or political subdivision to which the rights
26 under a duty of support or support order have been assigned or
27 which has independent claims based on financial assistance provided
28 to an individual obligee; or

1 (iii) An individual seeking a judgment determining
2 parentage of the individual's child.

3 (13) Obligor means an individual, or the estate of a
4 decedent:

5 (i) Who owes or is alleged to owe a duty of support;

6 (ii) Who is alleged but has not been adjudicated to be a
7 parent of a child; or

8 (iii) Who is liable under a support order.

9 (14) Person means an individual, corporation, business
10 trust, estate, trust, partnership, limited liability company,
11 association, joint venture, government, governmental subdivision,
12 agency, instrumentality, public corporation, or any other legal or
13 commercial entity.

14 (15) Record means information that is inscribed on a
15 tangible medium or that is stored in an electronic or other medium
16 and is retrievable in perceivable form.

17 (16) Register means to record or file a support order or
18 judgment determining parentage in the appropriate location for the
19 recording or filing of foreign judgments generally or foreign
20 support orders specifically.

21 ~~(15)~~ (17) Registering tribunal means a tribunal in which
22 a support order is registered.

23 ~~(16)~~ (18) Responding state means a state in which a
24 proceeding is filed or to which a proceeding is forwarded for
25 filing from an initiating state under the Uniform Interstate Family
26 Support Act or a law or procedure substantially similar to the act.
27 ~~or under a law or procedure substantially similar to the Uniform~~
28 ~~Reciprocal Enforcement of Support Act or the Revised Uniform~~

1 ~~Reciprocal Enforcement of Support Act.~~

2 ~~(17)~~ (19) Responding tribunal means the authorized
3 tribunal in a responding state.

4 ~~(18)~~ (20) Spousal support order means a support order for
5 a spouse or former spouse of the obligor.

6 ~~(19)~~ (21) State means a state of the United States, the
7 District of Columbia, Puerto Rico, the United States Virgin
8 Islands, or any territory or insular possession subject to the
9 jurisdiction of the United States. The term includes:

10 (i) An Indian tribe; and

11 (ii) A foreign ~~jurisdiction~~ country or political
12 subdivision that:

13 (A) Has been declared to be a foreign reciprocating
14 country or political subdivision under federal law;

15 (B) Has established a reciprocal arrangement for child
16 support with this state as provided in section 42-721; or

17 (C) Has ~~has~~ enacted a law or established procedures for
18 issuance and enforcement of support orders which are substantially
19 similar to the procedures under the Uniform Interstate Family
20 Support Act. ~~or the procedures under the Uniform Reciprocal~~
21 ~~Enforcement of Support Act or the Revised Uniform Reciprocal~~
22 ~~Enforcement of Support Act.~~

23 ~~(20)~~ (22) Support enforcement agency means a public
24 official or agency authorized to seek:

25 (i) Enforcement of support orders or laws relating to the
26 duty of support;

27 (ii) Establishment or modification of child support;

28 (iii) Determination of parentage; ~~or~~

- 1 (iv) ~~To locate~~ Location of obligors or their assets; or
2 (v) Determination of the controlling child support order.

3 ~~(21)~~ (23) Support order means a judgment, decree, or
4 order, whether temporary, final, or subject to modification, issued
5 by a tribunal for the benefit of a child, a spouse, or a former
6 spouse, which provides for monetary support, health care,
7 arrearages, or reimbursement, and may include related costs and
8 fees, interest, income withholding, attorney's fees, and other
9 relief.

10 ~~(22)~~ (24) Tribunal means a court, administrative agency,
11 or quasi-judicial entity authorized to establish, enforce, or
12 modify support orders or to determine parentage.

13 Sec. 3. Section 42-704, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 42-704. (a) Remedies provided by the Uniform Interstate
16 Family Support Act are cumulative and do not affect the
17 availability of remedies under other law, including the recognition
18 of a support order of a foreign country or political subdivision on
19 the basis of comity.

20 (b) The Uniform Interstate Family Support Act does not:

21 (1) Provide the exclusive method of establishing or
22 enforcing a support order under the law of this state; or

23 (2) Grant a tribunal of this state jurisdiction to render
24 judgment or issue an order relating to child custody or visitation
25 in a proceeding under the act.

26 Sec. 4. Section 42-705, Reissue Revised Statutes of
27 Nebraska, is amended to read:

28 42-705. (a) In a proceeding to establish, or enforce, ~~or~~

1 ~~modify~~ a support order or to determine parentage, a tribunal of
2 this state may exercise personal jurisdiction over a nonresident
3 individual or the individual's guardian or conservator if:

4 (1) The individual is personally served with notice
5 within this state;

6 (2) The individual submits to the jurisdiction of this
7 state by consent, by entering a general appearance, or by filing a
8 responsive document having the effect of waiving any contest to
9 personal jurisdiction;

10 (3) The individual resided with the child in this state;

11 (4) The individual resided in this state and provided
12 prenatal expenses or support for the child;

13 (5) The child resides in this state as a result of the
14 acts or directives of the individual;

15 (6) The individual engaged in sexual intercourse in this
16 state and the child may have been conceived by that act of
17 intercourse;

18 (7) The individual asserted parentage in this state
19 pursuant to section 43-104.02, 71-628, 71-640.01, or 71-640.02 with
20 the Department of Health and Human Services Finance and Support; or

21 (8) There is any other basis consistent with the
22 constitutions of this state and the United States for the exercise
23 of personal jurisdiction.

24 (b) The basis of personal jurisdiction set forth in
25 subsection (a) of this section or in any other law of this state
26 shall not be used to acquire personal jurisdiction for a tribunal
27 of this state to modify a child support order of another state
28 unless the requirements of section 42-746 or section 43 of this act

1 are met.

2 Sec. 5. Section 42-706, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 42-706. Personal jurisdiction acquired by a tribunal of
5 this state in a proceeding under the Uniform Interstate Family
6 Support Act or other law of this state relating to a support order
7 continues as long as a tribunal of this state has continuing,
8 exclusive jurisdiction to modify its order or continuing
9 jurisdiction to enforce its order as provided by sections 42-709
10 and 42-710 and section 43 of this act. A tribunal of this state
11 exercising personal jurisdiction over a nonresident under section
12 42-705 may apply section 42-729 to receive evidence from another
13 state, and section 42-731 to obtain discovery through a tribunal of
14 another state. In all other respects, sections 42-714 to 42-748 do
15 not apply and the tribunal shall apply the procedural and
16 substantive law of this state, including the rules on choice of law
17 other than those established by the Uniform Interstate Family
18 Support Act.

19 Sec. 6. Section 42-709, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 42-709. (a) A tribunal of this state ~~issuing a~~ that has
22 issued a child support order consistent with the law of this state
23 has and shall exercise continuing, exclusive jurisdiction over a to
24 modify its child support order if the order is the controlling
25 order and:

26 (1) at the time of the filing of a request for
27 modification this state is as long as this state remains the
28 residence of the obligor, the individual obligee, or the child for

1 whose benefit the support order is issued; or

2 (2) even if this state is not the residence of the
3 obligor, the individual obligee, or the child for whose benefit the
4 support order is issued, the parties consent in a record or in open
5 court that the tribunal of this state may continue to exercise
6 jurisdiction to modify its order. ~~until all of the parties who are~~
7 ~~individuals have filed written consents with the tribunal of this~~
8 ~~state for a tribunal of another state to modify the order and~~
9 ~~assume continuing, exclusive jurisdiction.~~

10 (b) A tribunal of this state ~~issuing~~ that has issued a
11 child support order consistent with the law of this state ~~may~~ shall
12 not exercise ~~its~~ continuing, exclusive jurisdiction to modify the
13 order if:

14 (1) all of the parties who are individuals file consent
15 in a record with the tribunal of this state that a tribunal of
16 another state that has jurisdiction over at least one of the
17 parties who is an individual or that is located in the state of
18 residence of the child may modify the order and assume continuing,
19 exclusive jurisdiction; or

20 (2) its order is not the controlling order. ~~the order~~
21 ~~has been modified by a tribunal of another state pursuant to the~~
22 ~~Uniform Interstate Family Support Act or a law substantially~~
23 ~~similar to the act.~~

24 (c) ~~If a child support order of this state is modified by~~
25 ~~a tribunal of another state pursuant to the Uniform Interstate~~
26 ~~Family Support Act or a law substantially similar to the act, a~~
27 ~~tribunal of this state loses its continuing, exclusive jurisdiction~~
28 ~~with regard to prospective enforcement of the order issued in this~~

1 state, and may only:

2 (1) enforce the order that was modified as to amounts
3 accruing before the modification;

4 (2) enforce nonmodifiable aspects of that order; and

5 (3) provide other appropriate relief for violations of
6 that order which occurred before the effective date of the
7 modification.

8 (d) A tribunal of this state shall recognize the
9 continuing, exclusive jurisdiction of

10 (c) If a tribunal of another state which has issued a
11 child support order pursuant to the Uniform Interstate Family
12 Support Act or a law substantially similar to the act which
13 modifies a child support order of a tribunal of this state,
14 tribunals of this state shall recognize the continuing, exclusive
15 jurisdiction of the tribunal of the other state.

16 (d) A tribunal of this state that lacks continuing,
17 exclusive jurisdiction to modify a child support order may serve as
18 an initiating tribunal to request a tribunal of another state to
19 modify a support order issued in that state.

20 (e) A temporary support order issued ex parte or pending
21 resolution of a jurisdictional conflict does not create continuing,
22 exclusive jurisdiction in the issuing tribunal.

23 (f) A tribunal of this state issuing a support order
24 consistent with the law of this state has continuing, exclusive
25 jurisdiction over a spousal support order throughout the existence
26 of the support obligation. A tribunal of this state may not modify
27 a spousal support order issued by a tribunal of another state
28 having continuing, exclusive jurisdiction over that order under the

1 ~~law of that state.~~

2 Sec. 7. Section 42-710, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 42-710. (a) A tribunal of this state that has issued a
5 child support order consistent with the law of this state may serve
6 as an initiating tribunal to request a tribunal of another state to
7 enforce:

8 (1) the order if the order is the controlling order and
9 has not been modified by a tribunal of another state that assumed
10 jurisdiction pursuant to the Uniform Interstate Family Support Act;
11 or

12 (2) a money judgment for arrears of support and interest
13 on the order accrued before a determination that an order of
14 another state is the controlling order. ~~or modify a support order~~
15 issued in that state.

16 (b) A tribunal of this state having continuing, ~~exclusive~~
17 jurisdiction over a support order may act as a responding tribunal
18 to enforce ~~or modify~~ the order. If a party subject to the
19 ~~continuing, exclusive jurisdiction of the tribunal no longer~~
20 ~~resides in the issuing state, in subsequent proceedings the~~
21 ~~tribunal may apply section 42-729 to receive evidence from another~~
22 ~~state and section 42-731 to obtain discovery through a tribunal of~~
23 ~~another state.~~

24 (c) A tribunal of this state which lacks continuing,
25 ~~exclusive jurisdiction over a spousal support order may not serve~~
26 ~~as a responding tribunal to modify a spousal support order of~~
27 ~~another state.~~

28 Sec. 8. Section 42-711, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 42-711. (a) If a proceeding is brought under the Uniform
3 Interstate Family Support Act and only one tribunal has issued a
4 child support order, the order of that tribunal controls. ~~and must~~
5 ~~be so recognized.~~

6 (b) If a proceeding is brought under the Uniform
7 Interstate Family Support Act and two or more child support orders
8 have been issued by tribunals of this state or another state with
9 regard to the same obligor and the same child, a tribunal of this
10 state having personal jurisdiction over both the obligor and
11 individual obligee shall apply the following rules ~~in determining~~
12 ~~and by order shall determine~~ which order ~~to recognize for purposes~~
13 ~~of continuing, exclusive jurisdiction controls:~~

14 (1) If only one of the tribunals would have continuing,
15 exclusive jurisdiction under the act, the order of that tribunal
16 controls and must be so recognized.

17 (2) If more than one of the tribunals would have
18 continuing, exclusive jurisdiction under the act, an order issued
19 by a tribunal in the current home state of the child controls; ~~and~~
20 ~~must be so recognized~~, but if an order has not been issued in the
21 current home state of the child, the order most recently issued
22 controls. ~~and must be so recognized.~~

23 (3) If none of the tribunals would have continuing,
24 exclusive jurisdiction under the act, the tribunal of this state
25 ~~having jurisdiction over the parties~~ shall issue a child support
26 order, which controls. ~~and must be so recognized.~~

27 (c) If two or more child support orders have been issued
28 for the same obligor and the same child, upon request of ~~and if the~~

1 ~~obligor or the individual obligee resides in this state, a party~~
2 who is an individual or a support enforcement agency, may request a
3 tribunal of this state having personal jurisdiction over both the
4 obligor and the individual obligee shall to determine which order
5 controls and must be so recognized under subsection (b) of this
6 section. The request may be filed with a registration for
7 enforcement or registration for modification pursuant to sections
8 42-736 to 42-747.02 and section 43 of this act or may be filed as a
9 separate proceeding.

10 (d) A request to determine which is the controlling order
11 shall be accompanied by a certified copy of every child support
12 order in effect and the applicable record of payments. The
13 requesting party shall give notice of the request to each party
14 whose rights may be affected by the determination. The request
15 must be accompanied by a certified copy of every support order in
16 effect. The requesting party shall give notice of the request to
17 each party whose rights may be affected by the determination.

18 ~~(d)~~ (e) The tribunal that issued the controlling order
19 under subsection (a), (b), or (c) of this section ~~is the tribunal~~
20 ~~that~~ has continuing, exclusive jurisdiction to the extent provided
21 under section 42-709 or 42-710.

22 ~~(e)~~ (f) A tribunal of this state ~~which that~~ determines by
23 order which is the identity of the controlling order under
24 subdivision (b) (1) or (b) (2) or subsection (c) of this section or
25 ~~which that~~ issues a new controlling order under subdivision (b) (3)
26 of this section shall state in that order:

27 (1) the basis upon which the tribunal made its
28 determination;

1 (2) the amount of prospective support, if any; and
2 (3) the total amount of consolidated arrears and accrued
3 interest, if any, under all of the orders after all payments made
4 are credited as provided by section 42-713.

5 ~~(f)~~ (g) Within thirty days after issuance of an order
6 determining ~~the identity of which is~~ the controlling order, the
7 party obtaining the order shall file a certified copy of it ~~with in~~
8 each tribunal that issued or registered an earlier order of child
9 support. A party or support enforcement agency obtaining ~~who~~
10 ~~obtains~~ the order ~~and that~~ fails to file a certified copy is
11 subject to appropriate sanctions by a tribunal in which the issue
12 of failure to file arises. The failure to file does not affect the
13 validity or enforceability of the controlling order.

14 (h) An order that has been determined to be the
15 controlling order, or a judgment for consolidated arrears of
16 support and interest, if any, made pursuant to this section shall
17 be recognized in proceedings under the Uniform Interstate Family
18 Support Act.

19 Sec. 9. Section 42-712, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 42-712. In responding to ~~multiple~~ registrations or
22 petitions for enforcement of two or more child support orders in
23 effect at the same time with regard to the same obligor and
24 different individual obligees, at least one of which was issued by
25 a tribunal of another state, a tribunal of this state shall enforce
26 those orders in the same manner as if the ~~multiple~~ orders had been
27 issued by a tribunal of this state.

28 Sec. 10. Section 42-713, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 42-713. ~~Amounts~~ A tribunal of this state shall credit
3 amounts collected and credited for a particular period pursuant to
4 a support order any child support order against the amounts owed
5 for the same period under any other child support order for support
6 of the same child issued by a tribunal of this or another state.
7 must be credited against the amounts accruing or accrued for the
8 same period under a support order issued by the tribunal of this
9 state.

10 Sec. 11. A tribunal of this state exercising personal
11 jurisdiction over a nonresident in a proceeding under the Uniform
12 Interstate Family Support Act or under other law of this state
13 relating to a support order or recognizing a support order of a
14 foreign country or political subdivision on the basis of comity may
15 receive evidence from another state pursuant to section 42-729,
16 communicate with a tribunal of another state pursuant to section
17 42-730, and obtain discovery through a tribunal of another state
18 pursuant to section 42-731. In all other respects, sections 42-714
19 to 42-748 do not apply and the tribunal shall apply the procedural
20 and substantive law of this state.

21 Sec. 12. (a) A tribunal of this state issuing a spousal
22 support order consistent with the law of this state has continuing,
23 exclusive jurisdiction to modify the spousal support order
24 throughout the existence of the support obligation.

25 (b) A tribunal of this state shall not modify a spousal
26 support order issued by a tribunal of another state having
27 continuing, exclusive jurisdiction over that order under the law of
28 that state.

1 (c) A tribunal of this state that has continuing,
2 exclusive jurisdiction over a spousal support order may serve as:

3 (1) an initiating tribunal to request a tribunal of
4 another state to enforce the spousal support order issued in this
5 state; or

6 (2) a responding tribunal to enforce or modify its own
7 spousal support order.

8 Sec. 13. Section 42-714, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 42-714. (a) Except as otherwise provided in the Uniform
11 Interstate Family Support Act, sections 42-714 to 42-732 apply to
12 all proceedings under the act.

13 (b) ~~The act provides for the following proceedings:~~

14 ~~(1) establishment of an order for spousal support or~~
15 ~~child support pursuant to section 42-733,~~

16 ~~(2) enforcement of a support order and income withholding~~
17 ~~order of another state without registration pursuant to sections~~
18 ~~42-734 to 42-735,~~

19 ~~(3) registration of an order for spousal support or child~~
20 ~~support of another state for enforcement pursuant to sections~~
21 ~~42-736 to 42-747.02,~~

22 ~~(4) modification of an order for child support or spousal~~
23 ~~support issued by a tribunal of this state pursuant to sections~~
24 ~~42-707 to 42-710,~~

25 ~~(5) registration of an order for child support of another~~
26 ~~state for modification pursuant to sections 42-736 to 42-747.02,~~

27 ~~(6) determination of parentage pursuant to section~~
28 ~~42-748, and~~

1 ~~(7) assertion of jurisdiction over nonresidents pursuant~~
2 ~~to sections 42-705 and 42-706.~~

3 ~~(e)~~ An individual petitioner or a support enforcement
4 agency may ~~commence~~ initiate a proceeding authorized under the act
5 by filing a petition in an initiating tribunal for forwarding to a
6 responding tribunal or by filing a petition or a comparable
7 pleading directly in a tribunal of another state which has or can
8 obtain personal jurisdiction over the respondent.

9 Sec. 14. Section 42-716, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 42-716. Except as otherwise provided ~~by~~ in the Uniform
12 Interstate Family Support Act, a responding tribunal of this state:

13 (1) shall apply the procedural and substantive law,
14 ~~including the rules on choice of law,~~ generally applicable to
15 similar proceedings originating in this state and may exercise all
16 powers and provide all remedies available in those proceedings; and

17 (2) shall determine the duty of support and the amount
18 payable in accordance with the support guidelines established under
19 section 42-364.16.

20 Sec. 15. Section 42-717, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 42-717. (a) Upon the filing of a petition authorized by
23 the Uniform Interstate Family Support Act, an initiating tribunal
24 of this state shall forward ~~three copies of~~ the petition and its
25 accompanying documents:

26 (1) to the responding tribunal or appropriate support
27 enforcement agency in the responding state; or

28 (2) if the identity of the responding tribunal is

1 unknown, to the state information agency of the responding state
2 with a request that they be forwarded to the appropriate tribunal
3 and that receipt be acknowledged.

4 (b) If requested by the responding tribunal, a responding
5 state has not enacted the Uniform Interstate Family Support Act or
6 a law or procedure substantially similar to the act, a tribunal of
7 this state ~~may~~ shall issue a certificate or other document and make
8 findings required by the law of the responding state. If the
9 responding state is a foreign ~~jurisdiction,~~ country or political
10 subdivision, upon request the tribunal ~~may~~ shall specify the amount
11 of support sought, convert that amount into the equivalent amount
12 in the foreign currency under applicable official or market
13 exchange rate as publicly reported, and provide any other documents
14 necessary to satisfy the requirements of the responding state.

15 Sec. 16. Section 42-718, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 42-718. (a) When a responding tribunal of this state
18 receives a petition or comparable pleading from an initiating
19 tribunal or directly pursuant to subsection ~~(c)~~ (b) of section
20 42-714, it shall cause the petition or pleading to be filed and
21 notify the petitioner where and when it was filed.

22 (b) A responding tribunal of this state, to the extent
23 ~~otherwise authorized~~ not prohibited by other law, may do one or
24 more of the following:

25 (1) issue or enforce a support order, modify a child
26 support order, determine the controlling child support order, or
27 ~~render a judgment to~~ determine parentage;

28 (2) order an obligor to comply with a support order,

- 1 specifying the amount and the manner of compliance;
- 2 (3) order income withholding;
- 3 (4) determine the amount of any arrearages, and specify a
- 4 method of payment;
- 5 (5) enforce orders by civil or criminal contempt, or
- 6 both;
- 7 (6) set aside property for satisfaction of the support
- 8 order;
- 9 (7) place liens and order execution on the obligor's
- 10 property;
- 11 (8) order an obligor to keep the tribunal informed of the
- 12 obligor's current residential address, telephone number, employer,
- 13 address of employment, and telephone number at the place of
- 14 employment;
- 15 (9) issue a capias for an obligor who has failed after
- 16 proper notice to appear at a hearing ordered by the tribunal and
- 17 enter the capias in any local and state computer systems for
- 18 criminal warrants;
- 19 (10) order the obligor to seek appropriate employment by
- 20 specified methods;
- 21 (11) award reasonable attorney's fees and other fees and
- 22 costs;
- 23 (12) issue an order releasing or subordinating a lien
- 24 pursuant to section 42-371; and
- 25 (13) grant any other available remedy.
- 26 (c) A responding tribunal of this state shall include in
- 27 a support order issued under the Uniform Interstate Family Support
- 28 Act, or in the documents accompanying the order, the calculations

1 on which the support order is based.

2 (d) A responding tribunal of this state ~~may~~ shall not
3 condition the payment of a support order issued under the act upon
4 compliance by a party with provisions for visitation.

5 (e) If a responding tribunal of this state issues an
6 order under the act, the tribunal shall send a copy of the order to
7 the petitioner and the respondent and to the initiating tribunal,
8 if any.

9 (f) If requested to enforce a support order, arrearages,
10 or judgment or modify a support order stated in a foreign currency,
11 a responding tribunal of this state shall convert the amount stated
12 in the foreign currency to the equivalent amount in dollars under
13 the applicable official or market exchange rate as publicly
14 reported.

15 Sec. 17. Section 42-719, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 42-719. If a petition or comparable pleading is received
18 by an inappropriate tribunal of this state, ~~it~~ the tribunal shall
19 forward the pleading and accompanying documents to an appropriate
20 tribunal in this state or another state and notify the petitioner
21 where and when the pleading was sent.

22 Sec. 18. Section 42-720, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 42-720. (a) A support enforcement agency of this state,
25 upon request, shall provide services to a petitioner in a
26 proceeding under the Uniform Interstate Family Support Act.

27 (b) A support enforcement agency of this state that is
28 providing services to the petitioner ~~as appropriate~~ shall:

1 (1) take all steps necessary to enable an appropriate
2 tribunal in this state or another state to obtain jurisdiction over
3 the respondent;

4 (2) request an appropriate tribunal to set a date, time,
5 and place for a hearing;

6 (3) make a reasonable effort to obtain all relevant
7 information, including information as to income and property of the
8 parties;

9 (4) within five days, exclusive of Saturdays, Sundays,
10 and legal holidays, after receipt of a written notice in a record
11 from an initiating, responding, or registering tribunal, send a
12 copy of the notice to the petitioner;

13 (5) within five days, exclusive of Saturdays, Sundays,
14 and legal holidays, after receipt of a written communication in a
15 record from the respondent or the respondent's attorney, send a
16 copy of the communication to the petitioner; and

17 (6) notify the petitioner if jurisdiction over the
18 respondent cannot be obtained.

19 (c) A support enforcement agency of this state that
20 requests registration of a child support order in this state for
21 enforcement or for modification shall make reasonable efforts:

22 (1) to ensure that the order to be registered is the
23 controlling order; or

24 (2) if two or more child support orders exist and the
25 identity of the controlling order has not been determined, to
26 ensure that a request for such a determination is made in a
27 tribunal having jurisdiction to do so.

28 (d) A support enforcement agency of this state that

1 requests registration and enforcement of a support order,
2 arrearages, or judgment stated in a foreign currency shall convert
3 the amounts stated in the foreign currency into the equivalent
4 amounts in dollars under the applicable official or market exchange
5 rate as publicly reported.

6 (e) A support enforcement agency of this state shall
7 request a tribunal of this state to issue a child support order and
8 an income withholding order that redirect payment of current
9 support, arrearages, and interest if requested to do so by a
10 support enforcement agency of another state pursuant to section
11 42-732.

12 ~~(e)~~ (f) The act does not create or negate a relationship
13 of attorney and client or other fiduciary relationship between a
14 support enforcement agency or the attorney for the agency and the
15 individual being assisted by the agency.

16 Sec. 19. Section 42-721, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 42-721. (a) If the ~~Attorney General~~ appropriate state
19 official or agency determines that the support enforcement agency
20 is neglecting or refusing to provide services to an individual, the
21 ~~Attorney General~~ state official or agency may order the agency to
22 perform its duties under the Uniform Interstate Family Support Act
23 or may provide those services directly to the individual.

24 (b) The appropriate state official or agency may
25 determine that a foreign country or political subdivision has
26 established a reciprocal arrangement for child support with this
27 state and take appropriate action for notification of the
28 determination.

1 Sec. 20. Section 42-723, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 42-723. (a) The Department of Health and Human Services
4 is the state information agency under the Uniform Interstate Family
5 Support Act.

6 (b) The state information agency shall:

7 (1) compile and maintain a current list, including
8 addresses, of the tribunals in this state which have jurisdiction
9 under the act and any support enforcement agencies in this state
10 and transmit a copy to the state information agency of every other
11 state;

12 (2) maintain a register of names and addresses of
13 tribunals and support enforcement agencies received from other
14 states;

15 (3) forward to the appropriate tribunal in the ~~place~~
16 county in this state in which the individual obligee or the obligor
17 resides, or in which the obligor's property is believed to be
18 located, all documents concerning a proceeding under the act
19 received from an initiating tribunal or the state information
20 agency of the initiating state; and

21 (4) obtain information concerning the location of the
22 obligor and the obligor's property within this state not exempt
23 from execution, by such means as postal verification and federal or
24 state locator services, examination of telephone directories,
25 requests for the obligor's address from employers, and examination
26 of governmental records, including, to the extent not prohibited by
27 other law, those relating to real property, vital statistics, law
28 enforcement, taxation, motor vehicles, driver's licenses, and

1 social security.

2 Sec. 21. Section 42-724, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 42-724. (a) A In a proceeding under the Uniform
5 Interstate Family Support Act, a petitioner seeking to establish or
6 modify a support order, or to determine parentage, in a proceeding
7 under the Uniform Interstate Family Support Act must verify the or
8 to register and modify a support order of another state shall file
9 a petition. Unless otherwise ordered under section 42-725, the
10 petition or accompanying documents must provide, so far as known,
11 the name, residential address, and social security numbers of the
12 obligor and the obligee or the parent and alleged parent, and the
13 name, sex, residential address, social security number, and date of
14 birth of each child for whom whose benefit support is sought. The
15 or whose parentage is to be determined. Unless filed at the time
16 of registration, the petition must shall be accompanied by a
17 certified copy of any support order in effect known to have been
18 issued by another tribunal. The accompanying documents may include
19 any other information that may assist in locating or identifying
20 the respondent.

21 (b) The petition ~~must~~ shall specify the relief sought.
22 The petition and accompanying documents ~~must~~ shall conform
23 substantially with the requirements imposed by the forms mandated
24 by federal law for use in cases filed by a support enforcement
25 agency.

26 Sec. 22. Section 42-725, Reissue Revised Statutes of
27 Nebraska, is amended to read:

28 42-725. If a party alleges in an affidavit or a pleading

1 under oath that the health, safety, or liberty of a party or child
2 would be jeopardized by disclosure of specific identifying
3 information, that information shall be sealed and shall not be
4 disclosed to the other party or the public. After a hearing in
5 which a tribunal takes into consideration the health, safety, or
6 liberty of the party or child, the tribunal may order disclosure of
7 information that the tribunal determines to be in the interest of
8 justice. Upon a finding, which may be made ex parte, that the
9 health, safety, or liberty of a party or child would be
10 unreasonably put at risk by the disclosure of identifying
11 information, or if an existing order so provides, a tribunal shall
12 order that the address of the child or party or other identifying
13 information not be disclosed in a pleading or other document filed
14 in a proceeding under the Uniform Interstate Family Support Act.

15 Sec. 23. Section 42-726, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 42-726. (a) The petitioner ~~may~~ shall not be required to
18 pay a filing fee or other costs.

19 (b) If an obligee prevails, a responding tribunal may
20 assess against an obligor filing fees, reasonable attorney's fees,
21 other costs, and necessary travel and other reasonable expenses
22 incurred by the obligee and the obligee's witnesses. The tribunal
23 ~~may~~ shall not assess fees, costs, or expenses against the obligee
24 or the support enforcement agency of either the initiating or the
25 responding state, except as provided by other law. Attorney's fees
26 may be taxed as costs, and may be ordered paid directly to the
27 attorney, who may enforce the order in the attorney's own name.
28 Payment of support owed to the obligee has priority over fees,

1 costs, and expenses.

2 (c) The tribunal shall order the payment of costs and
3 reasonable attorney's fees if it determines that a hearing was
4 requested primarily for delay. In a proceeding under sections
5 42-736 to 42-747 and sections 11 and 12 of this act, a hearing is
6 presumed to have been requested primarily for delay if a registered
7 support order is confirmed or enforced without change.

8 Sec. 24. Section 42-727, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 42-727. (a) Participation by a petitioner in a
11 proceeding under the Uniform Interstate Family Support Act before a
12 responding tribunal, whether in person, by private attorney, or
13 through services provided by the support enforcement agency, does
14 not confer personal jurisdiction over the petitioner in another
15 proceeding.

16 (b) A petitioner is not amenable to service of civil
17 process while physically present in this state to participate in a
18 proceeding under the Uniform Interstate Family Support Act.

19 (c) The immunity granted by this section does not extend
20 to civil litigation based on acts unrelated to a proceeding under
21 the act committed by a party while present in this state to
22 participate in the proceeding.

23 Sec. 25. Section 42-729, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 42-729. (a) The physical presence of ~~the petitioner~~ a
26 nonresident party who is an individual in a ~~responding~~ tribunal of
27 this state is not required for the establishment, enforcement, or
28 modification of a support order or the rendition of a judgment

1 determining parentage.

2 (b) A ~~verified petition,~~ An affidavit, a document
3 substantially complying with federally mandated forms, ~~and~~ or a
4 document incorporated by reference in any of them, ~~not~~ which would
5 not be excluded under the hearsay rule if given in person, is
6 admissible in evidence if given under ~~oath~~ penalty of perjury by a
7 party or witness residing in another state.

8 (c) A copy of the record of child support payments
9 certified as a true copy of the original by the custodian of the
10 record may be forwarded to a responding tribunal. The copy is
11 evidence of facts asserted in it, and is admissible to show whether
12 payments were made.

13 (d) Copies of bills for testing for parentage, and for
14 prenatal and postnatal health care of the mother and child,
15 furnished to the adverse party at least ten days before trial, are
16 admissible in evidence to prove the amount of the charges billed
17 and that the charges were reasonable, necessary, and customary.

18 (e) Documentary evidence transmitted from another state
19 to a tribunal of this state by telephone, telecopier, or other
20 means that do not provide an original ~~writing~~ may record shall not
21 be excluded from evidence on an objection based on the means of
22 transmission.

23 (f) In a proceeding under the Uniform Interstate Family
24 Support Act, a tribunal of this state ~~may~~ shall permit a party or
25 witness residing in another state to be deposed or to testify under
26 penalty of perjury by telephone, audiovisual means, or other
27 electronic means at a designated tribunal or other location in that
28 state. A tribunal of this state shall cooperate with tribunals of

1 other states in designating an appropriate location for the
2 deposition or testimony.

3 (g) If a party called to testify at a civil hearing
4 refuses to answer on the ground that the testimony may be
5 self-incriminating, the trier of fact may draw an adverse inference
6 from the refusal.

7 (h) A privilege against disclosure of communications
8 between spouses does not apply in a proceeding under the act.

9 (i) The defense of immunity based on the relationship of
10 husband and wife or parent and child does not apply in a proceeding
11 under the act.

12 (j) A voluntary acknowledgment of paternity, certified as
13 a true copy, is admissible to establish parentage of the child.

14 Sec. 26. Section 42-730, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 42-730. A tribunal of this state may communicate with a
17 tribunal of another state ~~in writing,~~ or foreign country or
18 political subdivision by a record or by telephone or other means,
19 to obtain information concerning the laws, ~~of that state,~~ the legal
20 effect of a judgment, decree, or order of that tribunal, and the
21 status of a proceeding in the other state or foreign country or
22 political subdivision. A tribunal of this state may furnish
23 similar information by similar means to a tribunal of another state
24 or foreign country or political subdivision.

25 Sec. 27. Section 42-732, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 42-732. (a) A support enforcement agency or tribunal of
28 this state shall disburse promptly any amounts received pursuant to

1 a support order, as directed by the order. The agency or tribunal
2 shall furnish to a requesting party or tribunal of another state a
3 certified statement by the custodian of the record of the amounts
4 and dates of all payments received.

5 (b) If neither the obligor, nor the individual obligee,
6 nor the child resides in this state, upon request from the support
7 enforcement agency of this state or another state, the support
8 enforcement agency of this state or a tribunal of this state shall:

9 (1) direct that the support payment be made to the
10 support enforcement agency in the state in which the obligee is
11 receiving services; and

12 (2) issue and send to the obligor's employer a conforming
13 income withholding order or an administrative notice of change of
14 payee, reflecting the redirected payments.

15 (c) The support enforcement agency of this state
16 receiving redirected payments from another state pursuant to a law
17 similar to subsection (b) of this section shall furnish to a
18 requesting party or tribunal of the other state a certified
19 statement by the custodian of the record of the amount and dates of
20 all payments received.

21 Sec. 28. Section 42-733, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 42-733. (a) If a support order entitled to recognition
24 under the Uniform Interstate Family Support Act has not been
25 issued, a responding tribunal of this state may issue a support
26 order if:

27 (1) the individual seeking the order resides in another
28 state; or

1 (2) the support enforcement agency seeking the order is
2 located in another state.

3 (b) The tribunal may issue a temporary child support
4 order if:

5 ~~(1) the respondent has signed a verified statement~~
6 ~~acknowledging parentage;~~

7 ~~(2) the respondent has been determined by or pursuant to~~
8 ~~law to be the parent; or~~

9 ~~(3) there is other clear and convincing evidence that the~~
10 ~~respondent is the child's parent~~ the tribunal determines that such
11 an order is appropriate and the individual ordered to pay is:

12 (1) a presumed father of the child;

13 (2) petitioning to have his paternity adjudicated;

14 (3) identified as the father of the child through genetic
15 testing;

16 (4) an alleged father who has declined to submit to
17 genetic testing;

18 (5) shown by clear and convincing evidence to be the
19 father of the child;

20 (6) the father of a child whose paternity is established
21 either by judicial proceeding or acknowledgment under sections
22 43-1401 to 43-1418;

23 (7) the mother of the child; or

24 (8) an individual who has been ordered to pay child
25 support in a previous proceeding and the order has not been
26 reversed or vacated.

27 (c) Upon finding, after notice and opportunity to be
28 heard, that an obligor owes a duty of support, the tribunal shall

1 issue a support order directed to the obligor and may issue other
2 orders pursuant to section 42-718.

3 Sec. 29. Section 42-734, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 42-734. An income withholding order issued in another
6 state may be sent by or on behalf of the obligee or by the support
7 enforcement agency to the person ~~or entity~~ defined as the obligor's
8 employer under the Income Withholding for Child Support Act or
9 sections 42-347 to ~~42-380~~ 42-381 without first filing a petition or
10 comparable pleading or registering the order with a tribunal of
11 this state.

12 Sec. 30. Section 42-734.01, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 42-734.01. (a) Upon receipt of an income withholding
15 order, the obligor's employer shall immediately provide a copy of
16 the order to the obligor.

17 (b) The employer shall treat an income withholding order
18 issued in another state which appears regular on its face as if it
19 had been issued by a tribunal of this state.

20 (c) Except as otherwise provided in subsection (d) of
21 this section and section 42-734.02, the employer shall withhold and
22 distribute the funds as directed in the withholding order by
23 complying with the terms of the order which specify:

24 (1) the duration and amount of periodic payments of
25 current child support, stated as a sum certain;

26 (2) the person ~~or agency~~ designated to receive payments
27 and the address to which the payments are to be forwarded;

28 (3) medical support, whether in the form of periodic cash

1 payment, stated as a sum certain, or ordering the obligor to
2 provide health insurance coverage for the child under a policy
3 available through the obligor's employment;

4 (4) the amount of periodic payments of fees and costs for
5 a support enforcement agency, the issuing tribunal, and the
6 obligee's attorney, stated as sums certain; and

7 (5) the amount of periodic payments of arrearages and
8 interest on arrearages, stated as sums certain.

9 (d) An employer shall comply with the law of the state of
10 the obligor's principal place of employment for withholding from
11 income with respect to:

12 (1) the employer's fee for processing an income
13 withholding order;

14 (2) the maximum amount permitted to be withheld from the
15 obligor's income; and

16 (3) the times within which the employer ~~must~~ shall
17 implement the withholding order and forward the child support
18 payment.

19 Sec. 31. Section 42-734.02, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 42-734.02. If an obligor's employer receives ~~multiple~~
22 two or more income withholding orders with respect to the earnings
23 of the same obligor, the employer satisfies the terms of the
24 ~~multiple~~ orders if the employer complies with the law of the state
25 of the obligor's principal place of employment to establish the
26 priorities for withholding and allocating income withheld for
27 ~~multiple~~ two or more child support obligees.

28 Sec. 32. Section 42-734.05, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 42-734.05. (a) An obligor may contest the validity or
3 enforcement of an income withholding order issued in another state
4 and received directly by an employer in this state by registering
5 the order in a tribunal of this state and filing a contest to that
6 order as provided in sections 42-736 to 42-747.02 and section 43 of
7 this act or otherwise contesting the order in the same manner as if
8 the order had been issued by a tribunal of this state. ~~Section~~
9 ~~42-739 applies to the contest.~~

10 (b) The obligor shall give notice of the contest to:

11 (1) a support enforcement agency providing services to
12 the obligee;

13 (2) each employer that has directly received an income
14 withholding order relating to the obligor; and

15 (3) the person ~~or agency~~ designated to receive payments
16 in the income withholding order or if no person ~~or agency~~ is
17 designated, to the obligee.

18 Sec. 33. Section 42-735, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 42-735. (a) A party or support enforcement agency
21 seeking to enforce a support order or an income withholding order,
22 or both, issued by a tribunal of another state may send the
23 documents required for registering the order to a support
24 enforcement agency of this state.

25 (b) Upon receipt of the documents, the support
26 enforcement agency, without initially seeking to register the
27 order, shall consider and, if appropriate, use any administrative
28 procedure authorized by the law of this state to enforce a support

1 order or an income withholding order, or both. If the obligor does
2 not contest administrative enforcement, the order need not be
3 registered. If the obligor contests the validity or administrative
4 enforcement of the order, the support enforcement agency shall
5 register the order pursuant to the Uniform Interstate Family
6 Support Act.

7 Sec. 34. Section 42-737, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 42-737. (a) A support order or an income withholding
10 order of another state may be registered in this state by sending
11 the following documents and information to the appropriate tribunal
12 in this state:

13 (1) a letter of transmittal to the tribunal requesting
14 registration and enforcement;

15 (2) two copies, including one certified copy, of ~~all~~
16 ~~orders~~ the order to be registered, including any modification of ~~an~~
17 the order;

18 (3) a sworn statement by the ~~party seeking~~ person
19 requesting registration or a certified statement by the custodian
20 of the records showing the amount of any arrearage;

21 (4) the name of the obligor and, if known:

22 (i) the obligor's address and social security number;

23 (ii) the name and address of the obligor's employer or
24 other payor and any other source of income of the obligor; and

25 (iii) a description and the location of property of the
26 obligor in this state not exempt from execution; and

27 (5) except as otherwise provided in section 42-725, the
28 name and address of the obligee and, if applicable, the ~~agency or~~

1 person to whom support payments are to be remitted.

2 (b) On receipt of a request for registration, the
3 registering tribunal shall cause the order to be filed as a foreign
4 judgment, together with one copy of the documents and information,
5 regardless of their form.

6 (c) A petition or comparable pleading seeking a remedy
7 that must be affirmatively sought under other law of this state may
8 be filed at the same time as the request for registration or later.
9 The pleading ~~must~~ shall specify the grounds for the remedy sought.

10 (d) If two or more orders are in effect, the person
11 requesting registration shall:

12 (1) furnish to the tribunal a certified copy of every
13 support order asserted to be in effect in addition to the documents
14 specified in this section;

15 (2) specify the order alleged to be the controlling
16 order, if any; and

17 (3) specify the amount of consolidated arrears, if any,

18 (e) A request for a determination of which is the
19 controlling order may be filed separately or with a request for
20 registration and enforcement or for registration and modification.
21 The person requesting registration shall give notice of the request
22 to each party whose rights may be affected by the determination.

23 Sec. 35. Section 42-738, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 42-738. (a) A support order or income withholding order
26 issued in another state is registered when the order is filed in
27 the registering tribunal of this state.

28 (b) A registered order issued in another state is

1 enforceable in the same manner and is subject to the same
2 procedures as an order issued by a tribunal of this state.

3 (c) Except as otherwise provided in sections 42-736 to
4 42-747 and sections 11 and 12 of this act, a tribunal of this state
5 shall recognize and enforce, but ~~may~~ shall not modify, a registered
6 order if the issuing tribunal had jurisdiction.

7 Sec. 36. Section 42-739, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 42-739. (a) ~~The~~ Except as otherwise provided in
10 subsection (d) of this section, the law of the issuing state
11 governs:

12 (1) the nature, extent, amount, and duration of current
13 payments and other obligations of support and the payment of
14 arrearages under the order under a registered support order;

15 (2) the computation and payment of arrearages and accrual
16 of interest on the arrearages under the support order; and

17 (3) the existence and satisfaction of other obligations
18 under the support order.

19 (b) In a proceeding for arrearages under a registered
20 support order, the statute of limitation ~~under the laws~~ of this
21 state or of the issuing state, whichever is longer, applies.

22 (c) A responding tribunal of this state shall apply the
23 procedures and remedies of this state to enforce current support
24 and collect arrearages and interest due on a support order of
25 another state registered in this state.

26 (d) After a tribunal of this or another state determines
27 which is the controlling order and issues an order consolidating
28 arrearages, if any, a tribunal of this state shall prospectively

1 apply the law of the state issuing the controlling order, including
2 its law on interest on arrearages, on current and future support,
3 and on consolidated arrearages.

4 Sec. 37. Section 42-740, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 42-740. (a) When a support order or income withholding
7 order issued in another state is registered, the registering
8 tribunal shall notify the nonregistering party. The notice ~~must~~
9 shall be accompanied by a copy of the registered order and the
10 documents and relevant information accompanying the order.

11 (b) ~~The~~ A notice ~~must~~ shall inform the nonregistering
12 party:

13 (1) that a registered order is enforceable as of the date
14 of registration in the same manner as an order issued by a tribunal
15 of this state;

16 (2) that a hearing to contest the validity or enforcement
17 of the registered order ~~must~~ shall be requested within twenty days
18 after notice;

19 (3) that failure to contest the validity or enforcement
20 of the registered order in a timely manner will result in
21 confirmation of the order and enforcement of the order and the
22 alleged arrearages and precludes further contest of that order with
23 respect to any matter that could have been asserted; and

24 (4) of the amount of any alleged arrearages.

25 (c) If the registering party asserts that two or more
26 orders are in effect, a notice shall also:

27 (1) identify the two or more orders and the order alleged
28 by the registering person to be the controlling order and the

1 consolidated arrearages, if any;

2 (2) notify the nonregistering party of the right to a
3 determination of which is the controlling order;

4 (3) state that the procedures provided in subsection (b)
5 of this section apply to the determination of which is the
6 controlling order; and

7 (4) state that failure to contest the validity or
8 enforcement of the order alleged to be the controlling order in a
9 timely manner may result in confirmation that the order is the
10 controlling order.

11 ~~(c)~~ (d) Upon registration of an income withholding order
12 for enforcement, the registering tribunal shall notify the
13 obligor's employer pursuant to the Income Withholding for Child
14 Support Act or sections 42-347 to ~~42-380~~ 42-381.

15 Sec. 38. Section 42-742, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 42-742. (a) A party contesting the validity or
18 enforcement of a registered order or seeking to vacate the
19 registration has the burden of proving one or more of the following
20 defenses:

21 (1) the issuing tribunal lacked personal jurisdiction
22 over the contesting party;

23 (2) the order was obtained by fraud;

24 (3) the order has been vacated, suspended, or modified by
25 a later order;

26 (4) the issuing tribunal has stayed the order pending
27 appeal;

28 (5) there is a defense under the law of this state to the

1 remedy sought;

2 (6) full or partial payment has been made; ~~or~~

3 (7) the statute of limitation under section 42-739
4 precludes enforcement of some or all of the alleged arrearages; or

5 (8) the alleged controlling order is not the controlling
6 order.

7 (b) If a party presents evidence establishing a full or
8 partial defense under subsection (a) of this section, a tribunal
9 ~~may~~ shall stay enforcement of the registered order, continue the
10 proceeding to permit production of additional relevant evidence,
11 and issue other appropriate orders. An uncontested portion of the
12 registered order may be enforced by all remedies available under
13 the law of this state.

14 (c) If the contesting party does not establish a defense
15 under such subsection to the validity or enforcement of the order,
16 the registering tribunal shall issue an order confirming the order.

17 Sec. 39. Section 42-745, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 42-745. A tribunal of this state may enforce a child
20 support order of another state registered for purposes of
21 modification, in the same manner as if the order had been issued by
22 a tribunal of this state, but the registered order ~~may~~ shall be
23 modified only if the requirements of section 42-746, 42-747.01, or
24 section 43 of this act have been met.

25 Sec. 40. Section 42-746, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 42-746. (a) ~~After~~ If section 42-747.01 does not apply,
28 except as otherwise provided in section 43 of this act, upon

1 petition a tribunal of this state may modify a child support order
2 issued in another state ~~has been~~ which is registered in this state,
3 ~~the responding tribunal of this state may modify that order only if~~
4 ~~section 42-747.01 does not apply and if~~ after notice and hearing ~~it~~
5 the tribunal finds that:

6 (1) the following requirements are met:

7 (i) neither the child, nor the individual obligee, ~~and~~
8 nor the obligor ~~do not reside~~ resides in the issuing state;

9 (ii) a petitioner who is a nonresident of this state
10 seeks modification; and

11 (iii) the respondent is subject to the personal
12 jurisdiction of the tribunal of this state; or

13 (2) this state is the state of residence of the child, or
14 a party who is an individual, is subject to the personal
15 jurisdiction of the tribunal of this state and all of the parties
16 who are individuals have filed ~~written~~ consents in a record in the
17 issuing tribunal for a tribunal of this state to modify the support
18 order and assume continuing, exclusive jurisdiction. ~~over the~~
19 ~~order. However, if the issuing state is a foreign jurisdiction~~
20 ~~that has not enacted a law or established procedures substantially~~
21 ~~similar to the procedures under the Uniform Interstate Family~~
22 ~~Support Act, the consent otherwise required of an individual~~
23 ~~residing in this state is not required for the tribunal to assume~~
24 ~~jurisdiction to modify the child support order.~~

25 (b) Modification of a registered child support order is
26 subject to the same requirements, procedures, and defenses that
27 apply to the modification of an order issued by a tribunal of this
28 state and the order may be enforced and satisfied in the same

1 manner.

2 (c) ~~A~~ Except as otherwise provided in section 43 of this
3 act, a tribunal of this state may shall not modify any aspect of a
4 child support order that ~~may not~~ cannot be modified under the law
5 of the issuing state, including the duration of the obligation of
6 support. If two or more tribunals have issued child support orders
7 for the same obligor and the same child, the order that controls
8 ~~and must be so recognized~~ under section 42-711 establishes the
9 aspects of the support order which are nonmodifiable.

10 (d) In a proceeding to modify a child support order, the
11 law of the state that is determined to have issued the initial
12 controlling order governs the duration of the obligation of
13 support. The obligor's fulfillment of the duty of support
14 established by that order precludes imposition of a further
15 obligation of support by a tribunal of this state.

16 ~~(d)~~ (e) On issuance of an order by a tribunal of this
17 state modifying a child support order issued in another state, a
18 the tribunal of this state becomes the tribunal having continuing,
19 exclusive jurisdiction.

20 Sec. 41. Section 42-747, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 42-747. ~~A~~ If a child support order issued by a tribunal
23 of this state shall recognize a modification of its earlier child
24 support order is modified by a tribunal of another state which
25 assumed jurisdiction pursuant to the Uniform Interstate Family
26 Support Act, a tribunal of this state, or a law substantially
27 similar to the Uniform Interstate Family Support Act and, upon
28 request, except as otherwise provided in the act: ~~r shall~~

1 (1) may enforce ~~the~~ its order that was modified only as
2 to ~~amounts~~ arrearages and interest accruing before the
3 modification;

4 (2) ~~enforce only nonmodifiable aspects of that order,~~

5 ~~(3)~~ may provide ~~either~~ appropriate relief only for
6 violations of ~~that~~ its order which occurred before the effective
7 date of the modification; and

8 ~~(4)~~ (3) shall recognize the modifying order of the other
9 state, upon registration, for the purpose of enforcement.

10 Sec. 42. Section 42-747.01, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 42-747.01. (a) If all of the parties who are individuals
13 reside in this state and the child does not reside in the issuing
14 state, a tribunal of this state has jurisdiction to enforce and to
15 modify the issuing state's child support order in a proceeding to
16 register that order.

17 (b) A tribunal of this state exercising jurisdiction
18 under this section shall apply the provisions of sections 42-701 to
19 42-713 and sections 11 and 12 of this act and 42-736 to 42-747.02
20 and section 43 of this act and the procedural and substantive law
21 of this state to the enforcement or modification proceeding.
22 Sections 42-714 to 42-735 and 42-748 to 42-750 do not apply.

23 Sec. 43. (a) If a foreign country or political
24 subdivision that is a state will not or cannot modify its order
25 pursuant to its laws, a tribunal of this state may assume
26 jurisdiction to modify the child support order and bind all
27 individuals subject to the personal jurisdiction of the tribunal
28 whether or not the consent to modification of a child support order

1 otherwise required of the individual pursuant to section 42-746 has
2 been given or whether the individual seeking modification is a
3 resident of this state or of the foreign country or political
4 subdivision.

5 (b) An order issued pursuant to this section is the
6 controlling order.

7 Sec. 44. Section 42-748, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 42-748. ~~(a)~~ A tribunal court of this state authorized to
10 determine parentage of a child may serve as an initiating or a
11 responding tribunal in a proceeding to determine parentage brought
12 under the Uniform Interstate Family Support Act or a law or
13 procedure substantially similar to the act. ~~or under a law or~~
14 ~~procedure substantially similar to the Uniform Reciprocal~~
15 ~~Enforcement of Support Act or the Revised Uniform Reciprocal~~
16 ~~Enforcement of Support Act to determine that the petitioner is a~~
17 ~~parent of a particular child or to determine that a respondent is a~~
18 ~~parent of that child.~~

19 ~~(b) In a proceeding to determine parentage, a responding~~
20 ~~tribunal of this state shall apply sections 43-1401 to 43-1418 and~~
21 ~~the rules of this state on choice of law.~~

22 Sec. 45. Section 42-749, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 42-749. (a) For purposes of sections 42-749 and 42-750,
25 Governor includes an individual performing the functions of
26 Governor or the executive authority of a state covered by the
27 Uniform Interstate Family Support Act.

28 (b) The Governor of this state may:

1 (1) demand that the Governor of another state surrender
2 an individual found in the other state who is charged criminally in
3 this state with having failed to provide for the support of an
4 obligee; or

5 (2) on the demand ~~by~~ of the Governor of another state,
6 surrender an individual found in this state who is charged
7 criminally in the other state with having failed to provide for the
8 support of an obligee.

9 (c) A provision for extradition of individuals not
10 inconsistent with the act applies to the demand even if the
11 individual whose surrender is demanded was not in the demanding
12 state when the crime was allegedly committed and has not fled
13 therefrom.

14 Sec. 46. Section 42-750, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 42-750. (a) Before making a demand that the Governor of
17 another state surrender an individual charged criminally in this
18 state with having failed to provide for the support of an obligee,
19 the Governor of this state may require a prosecutor of this state
20 to demonstrate that at least sixty days previously the obligee had
21 initiated proceedings for support pursuant to the Uniform
22 Interstate Family Support Act or that the proceeding would be of no
23 avail.

24 (b) If, under the Uniform Interstate Family Support Act
25 or a law substantially similar to the act, ~~the Uniform Reciprocal~~
26 ~~Enforcement of Support Act, or the Revised Uniform Reciprocal~~
27 ~~Enforcement of Support Act,~~ the Governor of another state makes a
28 demand that the Governor of this state surrender an individual

1 charged criminally in that state with having failed to provide for
2 the support of a child or other individual to whom a duty of
3 support is owed, the Governor may require a prosecutor to
4 investigate the demand and report whether a proceeding for support
5 has been initiated or would be effective. If it appears that a
6 proceeding would be effective but has not been initiated, the
7 Governor may delay honoring the demand for a reasonable time to
8 permit the initiation of a proceeding.

9 (c) If a proceeding for support has been initiated and
10 the individual whose rendition is demanded prevails, the Governor
11 may decline to honor the demand. If the petitioner prevails and
12 the individual whose rendition is demanded is subject to a support
13 order, the Governor may decline to honor the demand if the
14 individual is complying with the support order.

15 Sec. 47. Section 42-751, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 42-751. ~~The Uniform Interstate Family Support Act shall~~
18 ~~be applied and construed to effectuate its general purpose to make~~
19 ~~uniform~~ In applying and construing the Uniform Interstate Family
20 Support Act, consideration shall be given to the need to provide
21 uniformity of the law with respect to the subject matter of the act
22 among states enacting that enact it.

23 Sec. 48. The Revisor of Statutes shall assign sections
24 11 and 12 after section 42-713 in Article 2 of the uniform act and
25 section 43 after section 42-747.02 in part 3 of Article 6 of the
26 uniform act.

27 Sec. 49. This act becomes operative on January 1, 2004.

28 Sec. 50. If any section in this act or any part of any

1 section is declared invalid or unconstitutional, the declaration
2 shall not affect the validity or constitutionality of the remaining
3 portions.

4 Sec. 51. Original sections 42-701, 42-702, 42-704 to
5 42-706, 42-709 to 42-714, 42-716 to 42-721, 42-723 to 42-727,
6 42-729, 42-730, 42-732 to 42-734.02, 42-734.05 to 42-735, 42-737 to
7 42-740, 42-742, 42-745 to 42-747.01, and 42-748 to 42-751, Reissue
8 Revised Statutes of Nebraska, are repealed.